

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Sonya Lee Hernandez,

File No. 18-cv-01463 (ECT/DTS)

Petitioner,

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

v.

Warden Barnes,

Respondent.

Petitioner Sonya Lee Hernandez (“Hernandez”) commenced this action pro se by filing a petition for a writ of habeas corpus. Pet. [ECF No. 1]; Pet’r’s Resp. to Ct.’s Order [ECF No. 3]. The case is before the Court on a Report and Recommendation (“R&R”) [ECF No. 5] issued by Magistrate Judge David T. Schultz. Magistrate Judge Schultz recommends dismissing Hernandez’s petition without prejudice for lack of subject-matter jurisdiction. R&R at 6. Hernandez filed objections to the Report and Recommendation. ECF No. 6. In response to Hernandez’s objections, Respondent filed a very short pleading confirming Respondent’s view that the Report and Recommendation “should be adopted in its entirety.” ECF No. 7.¹ Because Hernandez has objected, the Court is required to review the Report and Recommendation de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b)(3). The Court has undertaken that de novo review and has concluded that Magistrate Judge Schultz’s analysis and conclusions are correct.

¹ In its pleading, Respondent refers to Hernandez mistakenly as “Stacey Sellner.”

Therefore, based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS HEREBY ORDERED** that:

1. The Objections to the Report and Recommendation are **OVERRULED** [ECF No. 6];
2. The Report and Recommendation [ECF No. 5] is **ACCEPTED** in full;
3. The action is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 26, 2018

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court